

CLOSED,TYPE-I

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:12-cv-01156-JEB**

AMERICAN CHEMISTRY COUNCIL, INC. v. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES et al

Assigned to: Judge James E. Boasberg

Case: 1:12-cv-00329-RBW

Cause: 05:552 Freedom of Information Act

**Plaintiff**

**AMERICAN CHEMISTRY  
COUNCIL, INC.**

Date Filed: 07/12/2012

Date Terminated: 07/12/2013

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

represented by **Kent A. Yalowitz**  
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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

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V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES**

represented by **Karen Patricia Seifert**  
UNITED STATES DEPARTMENT OF JUSTICE  
Civil Division, Federal Programs Branch  
Post Office Box 883  
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**TERMINATED: 03/25/2013**  
**LEAD ATTORNEY**

**Peter Bryce**  
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**LEAD ATTORNEY**  
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**Marian L. Borum**  
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 TERMINATED: 09/27/2012

**Defendant**

**NATIONAL INSTITUTES OF  
 HEALTH**

represented by **Karen Patricia Seifert**  
 (See above for address)  
 TERMINATED: 03/25/2013  
 LEAD ATTORNEY

**Peter Bryce**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Marian L. Borum**  
 (See above for address)  
 TERMINATED: 09/27/2012

**Defendant**

**NATIONAL INSTITUTE OF  
 ENVIRONMENTAL HEALTH  
 SCIENCES**

represented by **Karen Patricia Seifert**  
 (See above for address)  
 TERMINATED: 03/25/2013  
 LEAD ATTORNEY

**Peter Bryce**  
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 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Marian L. Borum**  
 (See above for address)  
 TERMINATED: 09/27/2012

**Defendant**

**NATIONAL CANCER INSTITUTE**

represented by **Karen Patricia Seifert**  
 (See above for address)  
 TERMINATED: 03/25/2013  
 LEAD ATTORNEY

**Peter Bryce**  
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 LEAD ATTORNEY  
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Date Filed	#	Docket Text
07/12/2012	<u>1</u>	COMPLAINT against All Defendants ( Filing fee \$ 350 receipt number 0090-3001280) filed by AMERICAN CHEMISTRY COUNCIL, INC.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Civil Cover Sheet, # <u>6</u> Summons TO: National Cancer Institute, # <u>7</u> Summons TO: National Institute of Environmental Health Sciences, # <u>8</u> Summons TO: United States Department of Health and Human Services, # <u>9</u> Summons TO: National Institutes of Health, # <u>10</u> Summons TO: Attorney General of the United States, # <u>11</u> Summons TO: United States Attorney for the District of Columbia)(Biles, Blake) (Entered: 07/12/2012)
07/12/2012	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN CHEMISTRY COUNCIL, INC. (Biles, Blake)

		(Entered: 07/12/2012)
07/12/2012	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– KENT A. YALOWITZ, :Firm– ARNOLD &PORTER LLP, :Address– 399 Park Avenue, NY, NY 10022. Phone No. – 212–715–1000. Fax No. – 212–715–1399 by AMERICAN CHEMISTRY COUNCIL, INC. (Attachments: # <u>1</u> Declaration Of KENT A. YALOWITZ)(Biles, Blake) (Entered: 07/12/2012)
07/12/2012		Case Assigned to Judge James E. Boasberg. (ls, ) (Entered: 07/13/2012)
07/13/2012	<u>4</u>	ENTERED IN ERROR.....ELECTRONIC SUMMONS (6)Issued as to NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Consent Notice)(ls, ) Modified on 7/17/2012 (dr). (Entered: 07/13/2012)
07/13/2012		MINUTE ORDER: <u>3</u> Motion for Leave to Appear Pro Hac Vice of Kent A. Yalowitz is hereby GRANTED. Signed by Judge James E. Boasberg on 7/13/12. (lcjeb4) (Entered: 07/13/2012)
07/16/2012	<u>5</u>	ENTERED IN ERROR.....NOTICE <i>Summons as to: United States Attorney for the District of Columbia, Attorney General of the United States, United States Department of Health and Human Services, National Institutes of Health, National Institute of Environmental Health Sciences, National Cancer Institute</i> , by AMERICAN CHEMISTRY COUNCIL, INC. re <u>1</u> Complaint,, (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Biles, Blake) Modified on 7/17/2012 (dr). (Entered: 07/16/2012)
07/17/2012		NOTICE OF CORRECTED DOCKET ENTRY: re <u>5</u> Notice (Other), was entered in error and counsel is instructed to refile correctly formatted and legible documents.(dr) (Entered: 07/17/2012)
07/17/2012	<u>6</u>	NOTICE of <i>Summons to : United States Department of Health and Human Services, National Cancer Institute, National Institute of Environmental Health Sciences, National Institutes of Health, Attorney General of the United States, United States Attorney for the District of Columbia</i> by AMERICAN CHEMISTRY COUNCIL, INC. re <u>1</u> Complaint,, (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Biles, Blake) (Entered: 07/17/2012)
07/17/2012	<u>7</u>	ELECTRONIC SUMMONS (6) Issued as to NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (dr) (Entered: 07/17/2012)
08/23/2012	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General July 24, 2012. (Biles, Blake) (Entered: 08/23/2012)
08/23/2012	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL CANCER INSTITUTE served on 8/6/2012 (Biles, Blake) Modified date of service on 8/24/2012 (znmw, ). (Entered: 08/23/2012)
08/23/2012	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES served on 8/1/2012 (Biles, Blake) Modified date of service on 8/24/2012 (znmw, ). (Entered: 08/23/2012)
08/23/2012	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL INSTITUTES OF HEALTH served on 7/27/2012 (Biles, Blake) Modified date of service on 8/24/2012 (znmw, ). (Entered: 08/23/2012)
08/23/2012	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 7/30/2012 (Biles, Blake) Modified date of service on 8/24/2012 (znmw, ). (Entered: 08/23/2012)

08/23/2012	<u>13</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/12/2012. Answer due for ALL FEDERAL DEFENDANTS by 10/11/2012. (Biles, Blake) Modified on 8/24/2012 (znmw, ). (Entered: 08/23/2012)
08/23/2012	<u>14</u>	Consent MOTION for Extension of Time to <i>Answer, Move or Otherwise Respond to Plaintiff's Complaint</i> by NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Borum, Marian) (Entered: 08/23/2012)
08/24/2012		MINUTE ORDER: Defendant's <u>14</u> Consent Motion for Extension of Time to Answer, Move or Otherwise Respond to Plaintiff's Complaint is hereby granted. Defendant shall file its response on or before October 1, 2012. Signed by Judge James E. Boasberg on 8/24/12. (lcjeb4) (Entered: 08/24/2012)
08/24/2012		Set/Reset Deadlines: Defendant shall file its response on or before 10/01/2012. (ad) (Entered: 08/24/2012)
08/24/2012		NOTICE OF ERROR re <u>13</u> Summons Returned Executed as to US Attorney; emailed to blake.biles@aporter.com, cc'd 4 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Entered in error; Refile as Summons Returned Executed in FOIA Case as to US Attorney (znmw, ) (Entered: 08/24/2012)
08/24/2012		NOTICE OF ERROR re <u>9</u> Summons Returned Executed as to Federal Defendant; emailed to blake.biles@aporter.com, cc'd 4 associated attorneys — The PDF file you docketed contained errors: 1. In future, enter date the summons/complaint was delivered, not the date it was mailed. (znmw, ) Modified link on 8/24/2012 (znmw, ). (Entered: 08/24/2012)
08/27/2012	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/1/2012. Answer due for ALL FEDERAL DEFENDANTS by 8/31/2012. (Biles, Blake) (Entered: 08/27/2012)
09/27/2012	<u>16</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Karen Patricia Seifert on behalf of All Defendants Substituting for attorney Marian L. Borum (Seifert, Karen) (Entered: 09/27/2012)
09/27/2012	<u>17</u>	MOTION for Extension of Time to <i>Respond to the Complaint</i> by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Seifert, Karen) (Entered: 09/27/2012)
09/27/2012		MINUTE ORDER: Defendants' <u>17</u> Consent Motion for Extension of Time to Respond to Plaintiff's Complaint is hereby GRANTED. Defendants shall file their response on or before November 9, 2012. Signed by Judge James E. Boasberg on 9/27/12. (lcjeb4) (Entered: 09/27/2012)
09/27/2012		Set/Reset Deadlines: Answer to the complaint due by 11/9/2012. (tg, ) (Entered: 09/27/2012)
11/08/2012	<u>18</u>	MOTION for Summary Judgment by AMERICAN CHEMISTRY COUNCIL, INC. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order, # <u>2</u> Declaration Attorney Declaration (with Exhibits), # <u>3</u> Appendix Administrative Record Appendix)(Biles, Blake) (Entered: 11/08/2012)
11/08/2012	<u>19</u>	MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State a Claim</i> by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Text of Proposed Order)(Seifert, Karen) (Entered: 11/08/2012)

11/16/2012	<u>20</u>	MOTION to Stay re <u>18</u> MOTION for Summary Judgment <i>and, in the Alternative, for an Extension of Time</i> by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Seifert, Karen) (Entered: 11/16/2012)
11/19/2012		MINUTE ORDER: The Court has received Defendants' <u>20</u> Motion to Stay. The Court will await Plaintiff's Opposition and a Reply (if Defendants wish to file one) before ruling on the stay request. If that request is denied, the Court will certainly permit the agreed-upon extension of time to respond to the Motion for Summary Judgment. Signed by Judge James E. Boasberg on 11/19/12. (lcjeb4, ) (Entered: 11/19/2012)
11/19/2012	<u>21</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State a Claim</i> by AMERICAN CHEMISTRY COUNCIL, INC. (Biles, Blake) (Entered: 11/19/2012)
11/20/2012		MINUTE ORDER: Parties' <u>21</u> Joint Motion for Extension of Time is hereby GRANTED. Plaintiff's Opposition to Defendants' Motion to Dismiss shall be filed on or before December 11, 2012 and Defendants' Reply to Plaintiff's Opposition shall be filed on or before December 24, 2012. Signed by Judge James E. Boasberg on 11/20/12. (lcjeb4) (Entered: 11/20/2012)
11/20/2012		Set/Reset Deadlines: Plaintiff's Opposition to Defendants' Motion to Dismiss shall be filed on or before 12/11/2012; and Defendants' Reply to Plaintiff's Opposition shall be filed on or before 12/24/2012. (ad) (Entered: 11/20/2012)
11/20/2012	<u>22</u>	Memorandum in opposition to re <u>20</u> MOTION to Stay re <u>18</u> MOTION for Summary Judgment <i>and, in the Alternative, for an Extension of Time</i> filed by AMERICAN CHEMISTRY COUNCIL, INC.. (Biles, Blake) (Entered: 11/20/2012)
11/27/2012	<u>23</u>	REPLY to opposition to motion re <u>20</u> MOTION to Stay re <u>18</u> MOTION for Summary Judgment <i>and, in the Alternative, for an Extension of Time</i> filed by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Seifert, Karen) (Entered: 11/27/2012)
11/28/2012		MINUTE ORDER: The Court believes it is a more efficient use of judicial resources and a more sensible manner of resolving this case to address Defendants' Motion to Dismiss before Plaintiff's Motion for Summary Judgment. The Court, accordingly, ORDERS that: 1) Defendants' <u>20</u> Motion to Stay Proceedings on Plaintiff's Motion for Summary Judgment is GRANTED; 2) Defendant need not respond to Plaintiff's Motion for Summary Judgment until ordered by the Court; and 3) The Court will decide Defendants' Motion to Dismiss and then set subsequent briefing, if necessary, on summary judgment. Signed by Judge James E. Boasberg on 11/28/12. (lcjeb4) (Entered: 11/28/2012)
12/11/2012	<u>24</u>	Memorandum in opposition to re <u>19</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State a Claim</i> filed by AMERICAN CHEMISTRY COUNCIL, INC.. (Biles, Blake) (Entered: 12/11/2012)
12/26/2012	<u>25</u>	REPLY to opposition to motion re <u>19</u> MOTION to Dismiss for Lack of Jurisdiction <i>and Failure to State a Claim</i> filed by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Seifert, Karen) (Entered: 12/26/2012)
02/13/2013	<u>26</u>	ORDER: Defendants' <u>19</u> Motion to Dismiss is GRANTED IN PART and DENIED IN PART; Counts II and III are DISMISSED; and a status hearing will be held on February 27, 2013, at 9:30 a.m. in Courtroom 19 before Judge James E. Boasberg. Signed by Judge James E. Boasberg on 2/13/13. (lcjeb4) (Entered: 02/13/2013)
02/13/2013	<u>27</u>	MEMORANDUM OPINION to <u>26</u> Order. Signed by Judge James E. Boasberg on 2/13/13. (lcjeb4) (Entered: 02/13/2013)



02/14/2013		Set/Reset Hearings: A Status Hearing is set for 2/27/2013 at 9:30 AM in Courtroom 19 before Judge James E. Boasberg. (ad) (Entered: 02/14/2013)
02/27/2013		MINUTE ORDER: As discussed during today's status conference, (1) Plaintiff's <u>18</u> Motion for Summary Judgment is DENIED WITHOUT PREJUDICE; (2) Defendants shall file their answer on or before 2/27/13; and (3) Defendants shall file their Motion for Summary Judgment on the adequacy of the search on or before April 9, 2013; Plaintiff shall file any Opposition on or before April 30, 2013; and Defendants shall file any Reply on or before May 14, 2013. Signed by Judge James E. Boasberg on 2/27/13. (lcjeb4) (Entered: 02/27/2013)
02/27/2013		Minute Entry for proceedings held before Judge James E. Boasberg: Status Conference held on 2/27/2013. (Defendants shall file their answer on or before 2/27/13; Defendants shall file their Motion for Summary Judgment on the adequacy of the search on or before 4/09/2013; Plaintiff shall file any Opposition on or before 4/30/2013; Defendants shall file any Reply on or before 5/14/2013). (Court Reporter Lisa Griffith) (ad) (Entered: 02/27/2013)
02/27/2013	<u>28</u>	ANSWER to Complaint by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Seifert, Karen) (Entered: 02/27/2013)
03/25/2013	<u>29</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Peter Bryce on behalf of All Defendants Substituting for attorney Karen P. Seifert (Bryce, Peter) (Entered: 03/25/2013)
04/04/2013	<u>30</u>	MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 04/04/2013)
04/04/2013		MINUTE ORDER: Defendants' <u>30</u> Motion for Extension of Time to File is GRANTED IN PART. Defendants shall file their motion for summary judgment on or before April 25, 2013. Signed by Judge James E. Boasberg on 4/4/13. (lcjeb4) (Entered: 04/04/2013)
04/05/2013		Set/Reset Deadline: Defendants shall file their motion for summary judgment on or before 4/25/2013. (ad) (Entered: 04/05/2013)
04/25/2013	<u>31</u>	MOTION for Summary Judgment by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Carol Maloney, # <u>3</u> Declaration of Alyssa Voss, # <u>4</u> Exhibit A, # <u>5</u> Text of Proposed Order)(Bryce, Peter) (Entered: 04/25/2013)
05/13/2013	<u>32</u>	Unopposed MOTION for Extension of Time to <i>File Opposition</i> by AMERICAN CHEMISTRY COUNCIL, INC. (Attachments: # <u>1</u> Text of Proposed Order)(Biles, Blake) (Entered: 05/13/2013)
05/14/2013		MINUTE ORDER: Plaintiff's <u>32</u> Unopposed Motion for Extension of Time is hereby GRANTED. Plaintiff shall file its Opposition to Defendants' Motion for Summary Judgment on or before May 23, 2013 and Defendants shall file any Reply on or before June 6, 2013. Signed by Judge James E. Boasberg on 5/14/13. (lcjeb4) (Entered: 05/14/2013)
05/14/2013		Set/Reset Deadlines: Plaintiff shall file its Opposition to Defendants' Motion for Summary Judgment on or before 5/23/2013, and Defendants shall file any Reply on or before 6/06/2013. (ad) (Entered: 05/14/2013)
05/23/2013	<u>33</u>	Memorandum in opposition to re <u>31</u> MOTION for Summary Judgment filed by AMERICAN CHEMISTRY COUNCIL, INC.. (Attachments: # <u>1</u> Statement of Facts Plaintiff's Response to Defendants' Undisputed Statement of Material Facts, # <u>2</u> Text of Proposed Order Text of Proposed Order, # <u>3</u> Declaration Declaration of Robinan Gentry, # <u>4</u> Exhibit Exhibit 1 to Gentry Declaration, # <u>5</u> Exhibit Exhibit 2

		to Gentry Declaration, # <u>6</u> Exhibit Exhibit 3 to Gentry Declaration, # <u>7</u> Exhibit Exhibit 4 to Gentry Declaration, # <u>8</u> Exhibit Exhibit 5 to Gentry Declaration)(Biles, Blake) (Entered: 05/23/2013)
06/04/2013	<u>34</u>	Consent MOTION for Extension of Time to File Response/Reply by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 06/04/2013)
06/05/2013		MINUTE ORDER: Defendants' <u>34</u> Consent Motion for Extension of Time is hereby GRANTED. Defendants shall file their Reply in support of their <u>31</u> Motion for Summary Judgment on or before June 13, 2013. Signed by Judge James E. Boasberg on 6/5/13. (lcjeb4) (Entered: 06/05/2013)
06/05/2013		Set/Reset Deadline: Defendants shall file their Reply in support of their <u>31</u> Motion for Summary Judgment on or before 6/13/2013. (ad) (Entered: 06/05/2013)
06/12/2013	<u>35</u>	MOTION for Extension of Time to File Response/Reply by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Bryce, Peter) (Entered: 06/12/2013)
06/13/2013	<u>36</u>	RESPONSE re <u>35</u> MOTION for Extension of Time to File Response/Reply <i>RESPONSE TO MOTION FOR EXTENSION OF TIME AND CROSS-MOTION FOR RULE 16 SCHEDULING CONFERENCE</i> filed by AMERICAN CHEMISTRY COUNCIL, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Yalowitz, Kent) (Entered: 06/13/2013)
06/13/2013		MINUTE ORDER: Defendants' <u>35</u> Motion for Extension of Time to File their Reply is hereby GRANTED. Defendants shall file their Reply in further support of their Motion for Summary Judgment on or before June 20, 2013. Signed by Judge James E. Boasberg on 6/13/13. (lcjeb4) (Entered: 06/13/2013)
06/13/2013		MINUTE ORDER: For the reasons stated in a Minute Order issued today in 13-495, Plaintiff's <u>36</u> Motion for a Rule 16 Scheduling Conference is DENIED WITHOUT PREJUDICE. Signed by Judge James E. Boasberg on 6/13/13. (lcjeb4) (Entered: 06/13/2013)
06/13/2013		Set/Reset Deadline: Defendants shall file their Reply in further support of their Motion for Summary Judgment on or before 6/20/2013. (ad) (Entered: 06/13/2013)
06/14/2013	<u>37</u>	MOTION for Scheduling Order <i>RENEWED MOTION FOR RULE 16 SCHEDULING CONFERENCE</i> by AMERICAN CHEMISTRY COUNCIL, INC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Yalowitz, Kent) (Entered: 06/14/2013)
06/14/2013		MINUTE ORDER: Defendants shall respond to Plaintiff's <u>37</u> Motion on or before 6/17/13. Signed by Judge James E. Boasberg on 6/14/13. (lcjeb4) (Entered: 06/14/2013)
06/14/2013		Set/Reset Deadline: Defendants shall respond to Plaintiff's <u>37</u> Motion on or before 6/17/2013. (ad) (Entered: 06/14/2013)
06/17/2013	<u>38</u>	Memorandum in opposition to re <u>37</u> MOTION for Scheduling Order <i>RENEWED MOTION FOR RULE 16 SCHEDULING CONFERENCE</i> filed by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Attachments: # <u>1</u> Text of Proposed Order)(Bryce, Peter) (Entered: 06/17/2013)
06/17/2013	<u>39</u>	REPLY to opposition to motion re <u>37</u> MOTION for Scheduling Order <i>RENEWED MOTION FOR RULE 16 SCHEDULING CONFERENCE</i> filed by AMERICAN CHEMISTRY COUNCIL, INC.. (Yalowitz, Kent) (Entered: 06/17/2013)

06/18/2013		MINUTE ORDER: Plaintiff has filed a Motion for Scheduling Order in this case, as well as in 13-cv-495. The Court ORDERS that the <u>37</u> Motion is DENIED as to case 12-1156. That matter is in briefing and does not apparently need a further scheduling order. The Court ORDERS that the Motion is GRANTED IN PART as to case 13-495. Given that a final agency decision is anticipated by June 28, the Court ORDERS that by July 3, 2013, the parties shall file a joint proposed scheduling order covering further briefing; if they are unable to agree, they may file separate proposed scheduling orders by the same date. Signed by Judge James E. Boasberg on 6/18/13. (lcjeb4) (Entered: 06/18/2013)
06/18/2013		Set/Reset Deadline: Parties shall file a joint proposed scheduling order by 7/03/2013, covering further briefing; if they are unable to agree, they may file separate proposed scheduling orders by the same date. (ad) (Entered: 06/18/2013)
06/20/2013	<u>40</u>	REPLY to opposition to motion re <u>31</u> MOTION for Summary Judgment filed by NATIONAL CANCER INSTITUTE, NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, NATIONAL INSTITUTES OF HEALTH, UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Bryce, Peter) (Entered: 06/20/2013)
07/12/2013	<u>41</u>	ORDER granting Defendants' <u>31</u> Motion for Summary Judgment. Signed by Judge James E. Boasberg on 7/12/13. (lcjeb4) (Entered: 07/12/2013)
07/12/2013	<u>42</u>	MEMORANDUM OPINION to <u>41</u> Order. Signed by Judge James E. Boasberg on 7/12/13. (lcjeb4) (Entered: 07/12/2013)
07/12/2013	<u>43</u>	CLERK'S JUDGMENT in favor of Defendants against Plaintiff. <u>41</u> Order and <u>42</u> Memorandum Opinion signed by Judge James E. Boasberg on 7/12/2013. (tg, ) (Entered: 07/12/2013)